CALIFORNIA REGIONAL WATER QUALITY CONTROL BOARD
CENTRAL VALLEY REGION

RESOLUTION NO. R5-2006-____

CONDITIONAL WAIVER OF WASTE DISCHARGE REQUIREMENTS
FOR
SEAN W. SMITH
AND
CALAVERAS RIVER LAND CO., INC.
JENNY LIND TAILING PILE REMOVAL AND RECLAMATION PROJECT
CALAVERAS COUNTY

WHEREAS, Water Code Section 13260(a) requires that any person discharging wastes or proposing to discharge wastes within the region that could affect the quality of waters of the State shall file a Report of Waste Discharge; and

WHEREAS, Sean W. Smith and the Calaveras River Land Company, Inc. (hereafter referred to as "Discharger"), submitted a Report of Waste Discharge (RWD) for the Jenny Lind Tailing Pile Removal and Reclamation Project on 7 May 2006. Subsequent information was received on 24 May 2006; and;

WHEREAS, on 28 March 2005, the Calaveras County Board of Supervisors approved a Mitigated Negative Declaration for the Jenny Lind Tailing Pile Removal and Reclamation Project. Submittal of a RWD and compliance with the Industrial Stormwater Permitting requirements were the only mitigation measures related to water quality included in the adopted Mitigated Negative Declaration. The Discharger has submitted the required RWD and a Notice of Intent to comply with the Industrial Stormwater Permitting requirements; and

WHEREAS, the Jenny Lind Tailing Pile Removal and Reclamation Project is located north of the Calaveras River and east of Milton Road, approximately ¼ mile south of the town of Jenny Lind, and is in the southwest portion of Section 22, T3N, R10E, MDB&M, Calaveras County; and

WHEREAS, the project site is approximately 33 acres in size, and the discharge site is located in the middle of Assessors Parcel Numbers (APN) 70-043-007; and

WHEREAS, the project will excavate and process approximately two million cubic yards of existing gold mining dredging tailing material to separate fine material from coarse material through a portable inclined screen plant. All process material will be washed to scrub and descale the aggregate to produce a clean product. Clean product (round river rock) will be trucked off-site and used as spawning gravel in nearby rivers; and

WHEREAS, all tailing material will be separated and washed using an inclined screening plant. All process wastewater from the inclined screen plant will flow into a lined sump located adjacent to the screening plant. The sump will be approximately 40 inches long by 25 inches

wide, and four feet deep, and will contain a 12 inch stand pipe used for a suction hose to pump out the sump; and

WHEREAS, process wastewater contained in the sump will be pumped to a "Tube Settler" wastewater treatment unit to settle out suspended solids. The Tube Settler treatment unit is a 25-yard intermodal box equipped with several wiers and chambers. The treatment system allows for clean water to rise to the top and forces suspended solids to the bottom of the tank; and

WHEREAS, the recommended maximum flow rate for the Tube Settler treatment system is 150 gallons per minute (gpm). At this rate the initial residence time of the water in the tank is approximately 25 minutes. Tube Settler test results provided by the manufacturer indicate a 93 to 99 percent reduction in particle sizes ranging from >3 to 75 microns at a flow rate of 120 gpm; and

WHEREAS, because the small 5.5 horsepower pump used to facilitate rock washing operations at the screen plant is only rated to pump approximately 100 gpm to the Tube Settler treatment system, the quality of the water discharged from the Tube Settler treatment system is expected to be of higher quality than manufacture's test results; and

WHEREAS, treated process wastewater from the Tube Settler unit will be used for dust control, compaction, finish grading, and landscape water onsite. Treated process water will be pumped via a 5.5 horsepower pump and one and one-half inch diameter fire hose to a Nelson 100 Series Big Gun sprinkler unit for dispersal. The Big Gun sprinkler unit will be mounted on large crop wheels to facilitate rotation to prevent ponding of water and surface runoff. Treated process wastewater will be dispersed over 22 acres of the 33 acre site; and

WHEREAS, the Discharger's RWD indicates that Best Management Practices (BMPs) will be used around the process wastewater reuse areas (i.e., tailing piles, roads, landscape areas, etc.) and sediment drying area to prevent any sediment laden runoff that might occur; and

WHEREAS, the Discharger estimates that 5,000 gallons per hour (one Tube Settler Tank per hour) will be dispersed throughout the site, or approximately 1,800 gallons per acre in a standard eight hour shift; and

WHEREAS, sediment will have to be removed from the Tube Settler treatment unit on a periodic basis (as needed). Sediment will be removed by opening the cleanout gate on the Tube Settler unit and loading the sediment into a tractor mounted front end loader. Sediment will be transported to a sediment drying area which is approximately 120 feet long by 120 feet wide. The sediment drying area will be lined with a heavy geotextile fabric, and will be surrounded by a silt fence. After sediments have been dried, they will be blended into landscape soils for peripheral planting areas around the site; and

WHEREAS, as part of the SMARA permitting process for the project, the Discharger was required to characterize the soils in the tailing piles throughout the site for the presence of mercury. The characterization was performed by collecting and compositing four samples from each of four sampling sites throughout the project area. Samples were collected near the bottom the tailing piles. Samples were analyzed for Total Mercury using EPA Method 7470A. Soils sampling results for all samples collected were non detect; and

WHEREAS, surface water drainage from the site is to a tributary of the Calaveras River below New Hogan Reservoir; and

WHEREAS, the designated beneficial uses of the of the Calaveras River below New Hogan Reservoir are municipal and domestic supply; agricultural supply; industrial service supply; water contact recreation; non-contact water recreation; warm and cold freshwater habitat; migration of aquatic organisms; spawning, reproduction, and/or early development; and wildlife habitat; and

WHEREAS, the Regional Water Quality Control Board, Central Valley Region (hereafter Regional Board) has a statutory obligation to prescribe waste discharge requirements except where a waiver is not against the public interest; and

WHEREAS, the Regional Board has determined that due to the chemical nature of the spoils, the discharge poses little or no threat to water quality if the spoils are discharged under conditions that prevent erosion and discharge to surface water; and

WHEREAS, the Regional Board held a hearing on 23/24 June 2006 and considered all evidence concerning this matter:

RESOLVED, that the California Regional Water Quality Control Board, Central Valley Region waives waste discharge requirements for the Jenny Lind Tailing Pile Removal and Reclamation Project, subject to the following conditions:

Discharge Prohibitions

1. Discharge of process wastewater to surface waters or surface water drainage courses is prohibited.

2. Discharge of process wastewater to the site is prohibited between 1 November and 30 April of each year.

3. Discharge of waste classified as “hazardous” as defined in 27 CCR Section 20164 is prohibited.

4. Bypass or overflow of process wastewater from the designated collection sump, or Tube Settler treatment tank is prohibited.

Discharge Specifications:

1. Neither the treatment nor the discharge shall cause a condition of pollution or nuisance as defined by the California Water Code, Section 13050.

2. Objectionable odor originating at the facility shall not be perceivable beyond the limits of the wastewater treatment and disposal areas.

3. The Discharger shall operate all systems and equipment to maximize treatment of wastewater and optimize the quality of the discharge.

4. Irrigation runoff (i.e., tailwater) shall be completely contained within the designated 22 acre site as described in the RWD and shall not enter any surface water drainage course.

5. Irrigation with process wastewater shall not be performed within 24 hours of a forecasted storm, during a storm, within 24 hours after any measurable precipitation event, or when the ground is saturated.

6. Spray irrigation of effluent is prohibited when wind velocities exceed 30 mph.

7. Stormwater best management practices, as described in the RWD and Stormwater Pollution Prevention Plan, shall be implemented around the sediment drying area and tailing piles at all times.

8. Dried sediments from the screen plant, collection sump, and process water treatment system shall only be used within the project site, al long as the locations are outside of the 100-year flood plain of the Calaveras River and its tributaries. Sediment shall not be placed within water bodies or in a manner that permits erosion. If the Discharger wishes to use the sediments within the 100-year flood plain, then the Discharger must submit, and the Executive Officer must approve, a *Sediment Characterization Report* for Total Mercury.

9. This waiver expires on **31 October 2007**.

Provisions

1. The Discharger shall comply with the monitoring and reporting requirements prescribed in the attached (Attachment A) Monitoring and Reporting Program.

RESOLVED, that this action waving waste discharge requirements is conditional and may be terminated at any time prior to 31 October 2007.

I, PAMELA C. CREEDON, Executive Officer, do hereby certify the foregoing is a true, full, and correct copy of a resolution adopted by the California Regional Water Quality Control Board, Central Valley Region, on ___ June 2006.

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PAMELA C. CREEDON, Executive Officer

JSK: 30 May 2006